

Docket No.: 194539US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/782,064

Applicants: Tetsuro MOTOYAMA, et al.

Filing Date: February 14, 2001

For: OBJECT-ORIENTED METHOD AND SYSTEM OF
REMOTE DIAGNOSTIC, CONTROL AND
INFORMATION COLLECTION USING MULTIPLE
FORMATS AND MULTIPLE PROTOCOLS

Group Art Unit: 2176

Examiner: TRANS, Q.

SIR:

Attached hereto for filing are the following papers:

APPEAL BRIEF

Our credit card payment form in the amount of **\$500.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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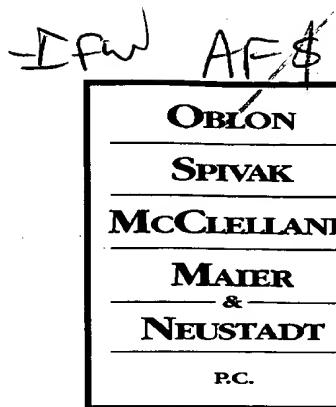
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TETSURO MOTOYAMA ET AL. : EXAMINER: TRAN, Q.
SERIAL NO: 09/782,064 :
FILED: FEBRUARY 14, 2001 : GROUP ART UNIT: 2176
FOR: OBJECT-ORIENTED METHOD :
AND SYSTEM OF REMOTE :
DIAGNOSTIC, CONTROL AND :
INFORMATION COLLECTION USING :
MULTIPLE FORMATS AND MULTIPLE :
PROTOCOLS

APPEAL BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants appeal the outstanding Final Rejection of May 5, 2005, finally rejecting each of pending claims 1-24.

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I. REAL PARTY IN INTEREST

The above-noted application is assigned to Ricoh Company, Ltd., which is the real party in interest, having a place of business at Tokyo, Japan.

II. RELATED APPEALS AND INTERFERENCES

Applicant and Applicant's representative are not aware of any related appeals or interferences that will directly effect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-24 are pending in this application and the rejection of each of claims 1-24 is being appealed.

No claims were added or cancelled, but Claims 1, 2, 4-10, 13-18, and 21-24 were amended during prosecution of this application.

IV. STATUS OF AMENDMENTS

A Request for Reconsideration was filed subsequent to the Final Rejection dated May 5, 2005. Accordingly, all previously filed Amendments have been considered by the Examiner and are reflected in the attached claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The applicants of the present invention recognized that a problem exists in the current art in that until the present invention there was not a method and system for collecting information regarding a plurality of target applications in an appliance or device, e.g., a printer or copier. A target application can be, e.g., a user interface or a software program.

Accordingly, Claim 1 sets forth an object-oriented method of collecting information regarding a plurality of target applications in an appliance or device. The method recited in Claim 1 is generally supported by Figures 9-12A and the description related thereto in the specification, i.e., pages 23-31.

In particular, Claim 1 recites the step of receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol

using a first data format, which finds supports, e.g., in Figure 9 (device/appliance 300; target applications 510, 512, and 513; monitoring system 515), page 23, lines 6-16; and page 24, lines 1-15 of the specification. See also Figure 12A, element 810 (interface). Further, see Figure 12A, 13A, and 13B and page 30, line 20 to page 31, line 23, which describe the functions a target application uses to initiate monitoring, stop monitoring, and request the sending of information regarding the monitored usage to a destination using a selected protocol/format combination.

Further, Claim 1 recites the step of receiving, from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol, which finds support as set forth above for the first receiving step. As shown in Figure 9, there may be multiple target applications in the appliance or device. The second receiving step is analogous to the first receiving step, but recites a second one of the target applications, second monitored usage information, a second protocol, a second format, and a second predetermined destination. Accordingly, Applicants respectfully submit that the support for the second receiving step is set forth above with regard to the first receiving step.

Independent Claim 9 (directed to an object-oriented system for collecting information regarding a plurality of target applications) and Claim 17 (directed to a program product for collecting information regarding a plurality of target applications) recite limitations analogous to the limitations recited in Claim 1. Accordingly, Applicants submit that Claims 9 and 17 are supported in a manner analogous to the support set forth above for Claim 1.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The sole ground of rejection being appealed is whether the combined teachings of U.S. Patent No. 5,852,744 to Agatone et al. (hereinafter “the ‘744 patent”) and U.S. Patent No. 5,911,776 to Guck (hereinafter “the ‘776 patent”) render obvious the subject matter of each of Claims 1-24 under U.S.C. § 103(a).

VII. ARGUMENT

Claims 1-24

Claim 1 is directed to an object-oriented method of collecting information regarding a plurality of target applications in an appliance or device, comprising: (1) receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format; and (2) receiving, from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103, the Office Action asserts that the ‘744 patent discloses everything in Claim 1 with the exception of the first communication protocol, the first data format, and the second receiving step, and relies on the ‘776 patent to remedy those deficiencies.

The ‘744 patent is directed to a method for discovering a network printer by assigning dedicated sockets to different printer types and polling the dedicated sockets to learn their

state. In particular, the '744 patent discloses a network that communicates with a printer through a socket that has a poll mode and a listen mode. However, Applicants respectfully submit that the '744 patent fails to disclose receiving, from a first one of a plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications, as recited in Claim 1. In particular, the '744 patent fails to disclose a monitoring device and a target application that are in an appliance or device, as recited in amended Claim 1. Moreover, it is unclear to Applicants exactly which elements recited in the '744 patent have been asserted to read on the monitoring device and the target applications recited in Claim 1. In this regard, Applicants note that the outstanding Office Action discusses the '744 patent in general terms, but does not specifically indicate which elements disclosed by the '744 patent read on the claimed (1) appliance or device, (2) target applications, (3) monitoring device, (4) first information, and (5) first predetermined destination. The Office Action merely points Applicant to columns 1 and 2 of the '744 patent.¹ Further, Applicants respectfully submit that the '744 patent fails to disclose a request to send first information regarding monitored usage of a target application. Rather, the '644 patent merely discloses a polling system that polls a printer periodically every "N TICKS".² Further, as admitted in the Office Action, the '744 patent fails to disclose the communication protocol and the data format recited in Claim 1, as well as the second receiving step recited in Claim 1.

In the Response to Arguments section of the Office Action, the Examiner implies, in discussing the '744 patent, that "...socket[s] are guaranteed to send signals or messages to each other through [a] user interface object"³ and that such a disclosure reads on the claimed plurality of target applications. However, Applicants respectfully submit that the '744 patent

¹ See Office Action dated May 5, 2005, page 9.

² '744 patent, column 3, line 20.

³ Office Action dated May 5, 2005, page 10.

relates to devices on a network and does not disclose receiving of requests to send information regarding monitored usage of a target application from a target application to a monitoring device, both of which are in an appliance or device, as recited in Claim 1.

The '776 patent is directed to a system for the automatic format conversion of files being transmitted to various sending-receiving appliances on a network. The '776 patent discloses that the system

...enables an author to create and store an original document, as a source file with a first format. Software in the data base will provide multiple sets of shadow file-converter groups connected to the source file of the original document. Each shadow file-converter set enables the transformation of the original source file format into a particular other specific type of format. Any client or user of the network can access and receive a copy of the original source document which is automatically reformatted to match the requirements of the receiver's appliance.⁴

Thus, while the '776 patent appears to disclose a network system for efficiently sending and receiving files in various formats, Applicants respectfully submit that the '776 patent is generally unrelated to a method of collecting information regarding target applications in an appliance or device and fails to disclose either of the receiving steps recited in Claim 1. In particular, the '776 patent fails to disclose a monitoring device and a target application in an appliance or device, as recited in Claim 1. Further, Applicants submit that the '776 patent fails to disclose a request to send information regarding monitored usage of a target application, as recited in Claim 1.

Thus, no matter how the teachings of the '744 and '776 patents are combined, the combination does not teach or suggest receiving, from a first one of a plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using

⁴ '776 patent, Abstract. Emphasis added.

a first data format, as recited in Claim 1. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2-8) should be withdrawn.

In the outstanding Office Action, the stated motivation for combining the teachings of the '744 and '776 patents is “to provide a network, wherein automatic format conversion enabling multiple communication protocol[s] to be transmitted or received by different types of machines/appliances..., while the process is handle[d] (e.g. monitoring) by a server, (as taught by Guck at col. 2, lines 1-20),” which is taken from a stated objective of the '776 patent. In the Background of the Invention section, the '776 patent discusses the desirability of a network in which users are able to send and receive documents regardless of the varied protocols and formats used by the various users.⁵ However, Applicants note that this paragraph concludes with the statement that “[s]uch a system and methodology is now possible with the presently described system and methodology.”⁶ Thus, Applicants respectfully submit that the Office Action has merely identified the '776 patent’s objective as motivation to combine the teachings of the '776 and '744 patents, despite the fact that the '776 patent states that the objective has been met by their own invention. Thus, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated, by reading about the '776 patent’s satisfied objective of achieving compatibility in sending and receiving documents, to modify the teachings of the '744 patent, which are related to a method for discovering a network printer.

Recently, the Federal Circuit has cautioned against the use of “generalized statements of advantages without regard to the desirability or the feasibility of modifying the prior art”⁷ in providing motivation for a rejection under 35 U.S.C. § 103. The Federal Circuit notes that

⁵ See '776 patent, column 2, lines 1-20.

⁶ Id.

⁷ In re Bruce Beasley, 2004 U.S. App. LEXIS 25055 (Fed. Cir., 2004).

...conclusory statements of generalized advantages and convenient assumptions about the skilled artisans...are inadequate to support a finding of motivation, which is a factual question that cannot be resolved on 'subjective belief and unknown authority'.... Under such circumstances, with respect to core factual findings, the Board must point to some concrete evidence in the record in support of them, rather than relying on its assessment of what is well recognized or what a skilled artisan would be well aware.⁸

Accordingly, for the reasons stated above, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejection of Claim 1 (and dependent Claims 2-8) should be withdrawn.

Independent Claims 9 and 17 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and that the rejections of Claim 9 (and dependent Claims 10-16) and Claim 17 (and dependent Claims 18-24) should be withdrawn.

Thus, it is respectfully submitted that independent Claims 1, 9, and 17 (and all associated dependent claims) patentably define over any proper combination of the '744 and '776 patents.

⁸ Id. at 25072 (citations omitted). Emphasis added.

VIII. CONCLUSION

For the foregoing reasons, Applicant respectfully submits that each of claims 1-24 patentably distinguishes over the combination of teachings of the '744 and '776 patents. Therefore, the outstanding rejections must be REVERSED.

Respectfully submitted,

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CLAIMS APPENDIX

1. (Rejected) An object-oriented method of collecting information regarding a plurality of target applications in an appliance or device, comprising:

receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format; and

receiving, from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol.

2. (Rejected) The method according to Claim 1, wherein

the first data format includes one of text format, binary format, comma separated format, and eXtensible Markup Language (XML) format; and

the first communication protocol includes one of Simple Mail Transfer Protocol (SMTP), File Transfer Protocol (FTP), and local disk.

3. (Rejected) The method according to Claim 1, wherein the first data format is different from the second data format.

4. (Rejected) The method according to Claim 1, further comprising:

formatting the first information into first formatted data according to the first data format;

sending the first formatted data to the first predetermined destination through the first communication protocol;

formatting the second information into second formatted data according to the second data format; and

sending the second formatted data to the second predetermined destination through the second communication protocol.

5. (Rejected) The method according to Claim 4, wherein formatting the first information comprises:

creating a first software class having a declared virtual function;

creating a second software class, derived from the first software class, having a first definition of the declared virtual function; and

creating a first formatted information software object.

6. (Rejected) The method according to Claim 5, wherein creating the first formatted information software object, comprises:

formatting first formatted information according to one of comma separated format and XML format.

7. (Rejected) The method according to Claim 5, wherein sending the first formatted data, comprises:

creating a third software class, derived from the first software class, having a second definition of the declared virtual function; and
creating a first formatted data software object.

8. (Rejected) The method according to Claim 7, wherein creating a first formatted data software object, comprises:

formatting first formatted data according to one of binary format and text format.

9. (Rejected) An object-oriented system for collecting information regarding a plurality of target applications in an appliance or device, the system comprising:

a monitoring device in the appliance or device, the monitoring device configured to receive, from a first one of the plurality of target applications through an interface, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format, and to receive, from a second one of the plurality of target applications through the interface, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data format, wherein the first communication protocol is different from the second communication protocol.

10. (Rejected) The system according to Claim 9, wherein
the first data format includes one of text format, binary format, comma separated format, and XML format; and
the first communication protocol includes one of SMTP, FTP, and local disk.

11. (Rejected) The system according to Claim 9, wherein the first data format is different from the second data format.

12. (Rejected) The system according to Claim 9, further comprising:
a device configured to format the first information into first formatted data according to the first data format;
a device configured to send the first formatted data to the first predetermined destination through the first communication protocol;
a device configured to format the second information into second formatted data according to the second data format; and
a device configured to send the second formatted data to the second predetermined destination through the second communication protocol.

13. (Rejected) The system according to Claim 12, wherein the device configured to format the first information, comprises:
a device configured to create a first software class having a declared virtual function;
a device configured to create a second software class, derived from the first software class, having a first definition of the declared virtual function; and
a device configured to create a first formatted information software object.

14. (Rejected) The system according to Claim 13, wherein the device configured to create the first formatted information software object, comprises:
a device configured to format first formatted information according to one of comma separated format and XML format.

15. (Rejected) The system according to Claim 13, wherein the device configured to send the first formatted data, comprises:

 a device configured to create a third software class, derived from the first software class, having a second definition of the declared virtual function; and
 a device configured to create a first formatted data software object.

16. (Rejected) The system according to Claim 15, wherein the device configured to create the first formatted data software object, comprises:

 a device configured to format first formatted data according to one of binary format and text format.

17. (Rejected) A program product for collecting information regarding a plurality of target applications in an appliance or device, the program product comprising a computer readable medium embodying program instructions for causing an object-oriented system to perform the steps of:

 receiving, from a first one of the plurality of target applications through an interface, by a monitoring device in the appliance or device, a request to send first information regarding monitored usage of the first one of the plurality of target applications to a first predetermined destination through a first communication protocol using a first data format; and

 receiving, from a second one of the plurality of target applications through the interface, by the monitoring device, a request to send second information regarding monitored usage of the second one of the plurality of target applications to a second predetermined destination through a second communication protocol using a second data

format, wherein the first communication protocol is different from the second communication protocol.

18. (Rejected) The program product according to Claim 17, wherein the first data format includes one of text format, binary format, comma separated format, and XML format; and
the first communication protocol includes one of SMTP, FTP, and local disk.

19. (Rejected) The program product according to Claim 17, wherein the first data format is different from the second data format.

20. (Rejected) The program product according to Claim 17, wherein the program instructions cause the system to further perform the steps of:
formatting the first information into first formatted data according to the first data format;

sending the first formatted data to the first predetermined destination through the first communication protocol;

formatting the second information into second formatted data according to the second data format; and

sending the second formatted data to the second predetermined destination through the second communication protocol.

21. (Rejected) The program product according to Claim 20, wherein formatting the first information, comprises:

creating a first software class having a declared virtual function;

creating a second software class, derived from the first software class, having a first definition of the declared virtual function; and

creating a first formatted information software object.

22. (Rejected) The program product according to Claim 21, wherein creating the first formatted information software object, comprises:

formatting first formatted information according to one of comma separated format and XML format.

23. (Rejected) The program product according to Claim 21, wherein sending the first formatted data, comprises:

creating a third software class, derived from the first software class, having a second definition of the declared virtual function; and

creating a first formatted data software object.

24. (Rejected) The program product according to Claim 23, wherein creating the first formatted data software object, comprises:

formatting first formatted data according to one of binary format and text format.

EVIDENCE APPENDIX

None

RELATED PROCEEDING APPENDIX

None